



520.1005

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Re: Application of: **Ulrich BITTROFF et al.**  
Serial No.: 10/019,864  
Filed: November 9, 2001  
For: **METHOD FOR ESTABLISHING A CONNECTION  
IN A TELECOMMUNICATIONS NETWORK**

**RESPONSE TO DECISION REGARDING RESPONSE TO NOTIFICATION OF  
DEFECTIVE RESPONSE AND SUBMISSION OF COMPLETE DECLARATION**

BOX: MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

October 10, 2002

Sir:


In the Decision dated September 16, 2002, applicants were given two months in which to submit a proper and complete declaration in compliance with 37 CFR 1.497.

In response to that Decision, applicants submit herewith a copy of each complete declaration as properly executed by each respective inventor. Applicants respectfully submit that each inventor was presented with a complete copy of the declaration for execution. It is respectfully submitted that the declaration as now submitted is in compliance with 37 CFR 1.497.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

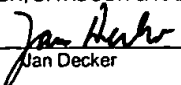
Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By   
Morey B. Wildes  
Reg. No. 36,968

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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on October 10, 2002.  
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:   
Jan Decker

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231  
BOX MISSING PARTS

Docket No.: 520.1005  
Date: October 10, 2002

DT05 Rec'd PCT/PTO 16 OCT 2002  
10/019864

In re application of: **Ulrich BITTROFF et al.**  
Serial No.: 10/019,864  
Filed: November 9, 2001  
For: **METHOD FOR ESTABLISHING A CONNECTION IN A TELECOMMUNICATIONS NETWORK**

Sir:

Transmitted herewith is a **RESPONSE TO DECISION REGARDING RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE AND SUBMISSION OF COMPLETE DECLARATION (1page)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:

FOR:	(Col. 1)	(Col. 2)		SMALL ENTITY		OR	LARGE ENTITY	
	REMAINING	HIGHEST		RATE	FEE		RATE	FEE
	AFTER	PREVIOUSLY	PRESENT					
	AMENDMENT	PAID FOR	EXTRA					
TOTAL CLAIMS	* Minus**	=	0	x \$ 9	\$		x \$ 18	\$
INDEP. CLAIMS	* Minus***	=	0	x \$ 40	\$		x \$ 80	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$135	\$		+ \$270	\$
TOTAL:				\$		OR	TOTAL:	\$

- \* If the entry in Co. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Also transmitted herewith are:  
☐ Petition for extension under 37 C.F.R. 1.136 (in duplicate)  
☒ Other: - **Complete Declarations executed by each respective inventor (12 pgs)**  
- **Copy of Decision Regarding Response to Notification Of Defective Response (3 pgs)**

The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on October 10, 2002.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: *Jan Decker*  
Jan Decker



16 SEP 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 16 2002



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In re Application of  
BITTROFF, Ulrich, et al.  
U.S. Application No.: 10/019,864  
PCT No.: PCT/EP00/04071  
International Filing Date: 06 May 2000  
Priority Date: 11 May 1999  
Attorney's Docket No.: 520.1005  
For: METHOD FOR ESTABLISHING A CONNECTION IN  
A TELECOMMUNICATIONS NETWORK

DECISION

This decision is issued in response to the "Response To Notification Of Defective Response" filed 27 June 2002, which has been treated in part as a petition under 37 CFR 1.182 to change the name of the inventor identified in the international application as Laetitia DE CAMBRAY to Laetitia BOETSELAARS, the name used by this inventor in the filed declaration. Deposit Account No. 50-0552 has been charged the required petition fee.

### BACKGROUND

On 06 May 2000, applicants filed international application PCT/EP00/04071 which claimed a priority date of 11 May 1999 and which designated the United States. On 16 November 2000, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

On 02 November 2000, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 11 November 2001.

On 09 November 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and an executed declaration.

On 25 February 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required, as well as a surcharge for providing the oath or declaration later than thirty months from the priority date were required. The Notification also informed applicants that the failure to submit these materials within two months of the date of the Notification would result in abandonment of the application.

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Pammon 9/30

11/16/02 File Corrected Missing  
Parts  
10/16/02 Reminder  
CSK/EB/JMD

On 20 March 2002, applicants filed a "Response To Notice Of Missing Parts" which included an executed declaration and the required surcharge payment.

On 03 April 2002, the DO/EO/US mailed a "Notification Of A Defective Response" indicating that the declaration filed on 20 March 2002 was defective because it was not properly executed and because it contained a change in one of the inventor's names (the inventor identified in the international application as Laetitia DE CAMBRAY was listed in the declaration as Laetitia BOETSELAARS).

On 27 June 2002, applicants filed the "Response To Notification Of Defective Response" considered herein. This response included an affidavit stating that the name of the inventor identified in the international application as Laetitia DE CAMBRAY had been changed to Laetitia BOETSELAARS due to marriage. The submission also included the fee for the required two-month extension of time to respond.

### DISCUSSION

Under M.P.E.P. Section 605.04(c), a petition to change the name of an inventor must be made under 37 CFR 1.182 and it must include the petition fee and "an affidavit signed with both names setting forth the procedure whereby the change of name was effected" or "a certified copy of the court order."

Here, based on the authorization contained in the response, Deposit Account No. 50-0552 has been charged the \$130 petition fee. The petition was accompanied by a copy of an affidavit in which the inventor states that her name has changed because of marriage; the declaration was signed by the inventor in both her current name (Laetitia BOETSELAARS) and her former name (Laetitia DE CAMBRAY).

Based on the above, applicants have submitted all the requirements for a grantable petition to change the inventor's name.

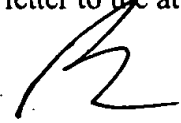
However, a review of the declaration filed on 20 March 2002 reveals that, even with the change in the inventor's name, the declaration is not in an acceptable form. Specifically, there is an issue as to whether the declaration has been properly executed. Applicants have submitted two complete two page declarations, and two additional copies of the sheet numbered 2 of 2. It is unclear if the inventors who executed the two additional copies of page 2 (Christof LORANG and Carla CAPELLMANN) were presented with only this page "2 of 2," in which case the execution would be improper, or they if he was presented with a complete declaration for signing, but counsel subsequently compiled the declaration into the documents filed 20 March 2002, which is also improper. (See MPEP 201.03.)

**CONCLUSION**

Applicant's petition under 37 CFR 1.182 to change the name of inventor Laetitia DE CAMBRAY to Laetitia BOETSELAARS is **GRANTED**.

However, as discussed above, the apparent compilation declaration filed on 20 March 2002 remains unacceptable. Because the "Notification Of Defective Response" did not specify the nature of the defect in execution (beyond the inventor's name change, addressed herein), applicants are given **TWO (2) MONTHS** from the mail date of the present decision to submit a proper and complete declaration in compliance with 37 CFR 1.497. Failure to file a timely and proper response will result in abandonment of the application.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Legal Affairs Division of the PCT Legal Office.



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